

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BUSHRA AHMED,

Plaintiff,

MEMORANDUM & ORDER
23-CV-297 (EK) (LB)

-against-

JESS DANNHAUSER and ANDREA AGUIRRE,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Bloom's *sua sponte* Report and Recommendation ("R&R") dated October 5, 2023. ECF No. 16. Judge Bloom recommends that I dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m) because Plaintiff Bushra Ahmed has not filed proof of service of process on the defendants. Judge Bloom also recommends that I dismiss Ahmed's petition for a writ of habeas corpus for lack of subject-matter jurisdiction.¹ Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Bloom's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; *accord* State

¹ Ahmed filed her petition for habeas relief directly in the United States Court of Appeals for the Second Circuit. ECF No. 12. The Second Circuit then transferred the petition to this Court. *Id.*

Farm Mut. Auto. Ins. Co. v. Grafman, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, the action is dismissed without prejudice. Ahmed's petition for a writ of habeas corpus is likewise dismissed. The Court declines to issue a certificate of appealability, as plaintiff has not made "a substantial showing of the denial of a constitutional right." See 28 U.S.C. § 2553(c)(2). The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any *in forma pauperis* appeal from this order would not be taken in good faith. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: October 30, 2023
Brooklyn, New York